

JAN 23 2025

A BILL FOR AN ACT

RELATING TO DISASTER RECOVERY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that special controls on
2 developments within an area along the shoreline are necessary to
3 avoid permanent losses of valuable resources and the foreclosure
4 of management options, and to ensure that adequate access, by
5 dedication or other means, to public owned or used beaches,
6 recreation areas, and natural reserves is provided. The
7 legislature further finds that it is state policy to preserve,
8 protect, and where possible, to restore the natural resources of
9 the coastal zones of the State. The legislature further finds
10 that the 2023 Maui wildfires devastated Lahaina's heritage,
11 economy, and sense of place, and has deeply affected housing,
12 businesses, jobs, and treasured resources. If the area is not
13 rebuilt in a deliberate, coordinated, and expeditious manner,
14 the area may languish in the long term, further affecting the
15 well-being of the land, the people, and the economy. However,
16 there is an opportunity to rebuild Lahaina and the other parts
17 of Maui that the wildfires destroyed as recognized in the



1 Presidential Disaster Declaration: by preserving and
2 reintroducing its valued resources in a manner that reflects the
3 values and priorities of its residents and businesses, and
4 addresses future challenges, including climate change and
5 affordable housing.

6 The legislature further finds that the devastation caused
7 by the 2023 Maui wildfires has created an urgent need for
8 reconstruction efforts. However, these efforts face significant
9 challenges due to the skyrocketing costs of construction, which
10 have reached nearly \$1,000 per square foot within these disaster
11 areas.

12 The legislature also finds that the valuation thresholds
13 for special management area permits, established in 2014, served
14 the State well at the time; however, the significant increase in
15 construction costs has led to a disproportionate number of
16 permits being triggered based solely on valuation, creating
17 undue burdens on both property owners and permitting
18 authorities. Without an adjustment, the process risks
19 overwhelming permitting authorities and delaying the critical
20 rebuilding of communities. The legislature also acknowledges
21 that the compounding challenges posed by other major disasters,



1 including the 2024 Los Angeles fires, have further strained
2 construction resources and regulatory capacities across the
3 region.

4 Accordingly, the purpose of this Act is to facilitate
5 recovery efforts on Maui by:

- 6 (1) Exempting certain reconstructions of all or a portion
7 of a structure in the Lahaina National Historic
8 Landmark District that was destroyed by wildfire on
9 August 8, 2023, from the requirement of a special
10 management area minor permit or a special management
11 area use permit; and
12 (2) Increasing the valuation threshold for a special
13 management area minor permit and a special management
14 area use permit from \$500,000 to \$750,000.

15 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending the definition of "development" to read:
18 ""Development":

- 19 (1) Means any of the uses, activities, or operations on
20 land or in or under water within a special management
21 area that are included below:



- 1 (A) Placement or erection of any solid material or
- 2 any gaseous, liquid, solid, or thermal waste;
- 3 (B) Grading, removing, dredging, mining, or
- 4 extraction of any materials;
- 5 (C) Change in the density or intensity of use of
- 6 land, including but not limited to the division
- 7 or subdivision of land;
- 8 (D) Change in the intensity of use of water, ecology
- 9 related thereto, or of access thereto; and
- 10 (E) Construction, reconstruction, or alteration of
- 11 the size of any structure; and
- 12 (2) Does not include the following:
 - 13 (A) Construction or reconstruction of a single-family
 - 14 residence that is less than seven thousand five
 - 15 hundred square feet of floor area; is not
 - 16 situated on a shoreline parcel or a parcel that
 - 17 is impacted by waves, storm surges, high tide, or
 - 18 shoreline erosion; and is not part of a larger
 - 19 development;
 - 20 (B) Repair or maintenance of roads and highways
 - 21 within existing rights-of-way;



- 1 (C) Routine maintenance dredging of existing streams,
2 channels, and drainage ways;
- 3 (D) Repair and maintenance of underground utility
4 lines, including but not limited to water, sewer,
5 power, and telephone and minor appurtenant
6 structures [~~such as~~] including pad mounted
7 transformers and sewer pump stations;
- 8 (E) Zoning variances, except for height, density,
9 parking, and shoreline setback;
- 10 (F) Repair, maintenance, or interior alterations to
11 existing structures;
- 12 (G) Demolition or removal of structures, except those
13 structures located on any historic site as
14 designated in national or state registers;
- 15 (H) Use of any land for the purpose of cultivating,
16 planting, growing, and harvesting plants, crops,
17 trees, and other agricultural, horticultural, or
18 forestry products or animal husbandry, or
19 aquaculture or mariculture of plants or animals,
20 or other agricultural purposes, including all



1 traditional fishpond and traditional agricultural
2 practices;

3 (I) Transfer of title to land;

4 (J) Creation or termination of easements, covenants,
5 or other rights in structures or land;

6 (K) Subdivision of land into lots greater than twenty
7 acres in size;

8 (L) Subdivision of a parcel of land into four or
9 fewer parcels when no associated construction
10 activities are proposed; provided that any land
11 that is so subdivided shall not thereafter
12 qualify for this exception with respect to any
13 subsequent subdivision of any of the resulting
14 parcels;

15 (M) Installation of underground utility lines and
16 appurtenant aboveground fixtures less than four
17 feet in height along existing corridors;

18 (N) Structural and nonstructural improvements to
19 existing single-family residences, where
20 otherwise permissible;



- 1 (O) Nonstructural improvements to existing commercial
2 or noncommercial structures;
- 3 (P) Construction, installation, maintenance, repair,
4 and replacement of emergency management warning
5 or signal devices and sirens;
- 6 (Q) Installation, maintenance, repair, and
7 replacement of public pedestrian and bicycle
8 facilities, including sidewalks, paths, bikeways,
9 crosswalks, stairs, ramps, traffic control
10 barriers, signs, signals, and associated
11 improvements;
- 12 (R) Trash removal or invasive vegetation removal or
13 control, including incidental ground disturbance,
14 excluding the use of herbicides;
- 15 (S) Installation of fencing, including associated
16 improvements and incidental structures, for
17 invasive species control or preservation of
18 native habitats on conservation land;
- 19 (T) Installation, maintenance, repair, and
20 replacement of lighting, fixtures, and equipment



1 to establish compliance with current standards at
2 existing public facilities;

3 (U) Installation, maintenance, repair, and
4 replacement of security measures, including
5 fencing, to existing public facilities; ~~and~~

6 (V) Hawaiian traditional and customary practices,
7 including work conducted by traditional means
8 near, in, or related to loko i'a, traditional
9 Hawaiian fishponds; and

10 (W) Reconstruction of all or a portion of a structure
11 in the Lahaina National Historic Landmark
12 District that was destroyed by wildfire on August
13 8, 2023, that is not situated on a shoreline
14 parcel and commences on or before August 8, 2028;
15 provided that the reconstructed structure is not
16 greater in size than what was existing or
17 permitted, in the case of partial construction,
18 immediately before August 8, 2023;

19 provided that whenever the authority finds that any
20 excluded use, activity, or operation may have a
21 cumulative impact, or a significant environmental or



1 ecological effect on a special management area, that
2 use, activity, or operation shall be defined as
3 "development" for the purpose of this part."

4 2. By amending the definitions of "special management area
5 minor permit" and "special management area use permit" to read:

6 ""Special management area minor permit" means an action by
7 the authority authorizing development the valuation of which is
8 not in excess of:

9 (1) \$500,000; or

10 (2) \$750,000; provided that the development is located
11 within an area subject to a federal disaster
12 proclamation as of August 8, 2023,

13 and which has no substantial adverse environmental or ecological
14 effect, taking into account potential cumulative effects.

15 "Special management area use permit" means an action by the
16 authority authorizing development the valuation of which
17 exceeds:

18 (1) \$500,000; or

19 (2) 750,000; provided that the development is located in
20 an area subject to a federal disaster proclamation as
21 of August 8, 2023,



1 or which may have a substantial adverse environmental or
2 ecological effect, taking into account potential cumulative
3 effects."

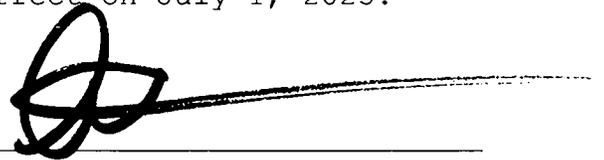
4 SECTION 3. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature consists of several overlapping loops and a long horizontal stroke extending to the right.

S.B. NO. 1296

Report Title:

Maui County; Lahaina National Historic Landmark District;
Reconstruction; Special Management Areas; Disaster Recovery;
Wildfire Recovery

Description:

Exempts certain reconstructions of all or a portion of a structure in the Lahaina National Historic Landmark District that was destroyed by wildfire on 8/8/2023, from the requirements of a special management area minor permit or a special management area use permit. Increases the valuation threshold of development subject to a special management area minor permit or a special management area use permit from \$500,000 to \$750,000 when it is located within an area subject to a federal disaster proclamation as of 8/8/2023.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

